

Statement Regarding Proposed Changes
to the
Affirmative Action Regulations for State Agencies
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We support the need for revisions to the Affirmative Action Regulations for State Agencies but the proposed changes do not resolve many of the issues and have created additional problems. The following recommendations are presented to help resolve existing issues while avoiding the creation of additional problems.

1. It is unclear why we would change the name of the plan from an Affirmative Action Plan to an Equal Employment Opportunity Plan. The statute still requires agencies to file an Affirmative Action Plan. The federal government still requires Affirmative Action Plans from organizations that receive federal funds and all contractors and subcontractors must file Affirmative Action Plans to do business with the federal government. While the term Affirmative Action may be unpopular generally, at least organizations know what an Affirmative Action Plan is whereas no one knows what an Equal Employment Opportunity Plan is nor does anyone require one.
2. Everyone agrees that filing the plan electronically cannot occur until software (and possibly hardware) exists to make that possible. The excessive use of the term "electronic filing" seems to suggest subterfuge. While those who have never written or reviewed a plan may think electronic filing is feasible, those of us who do the work realize it is not. We believe that a statement that electronic filing will be implemented as soon as it is technologically possible should suffice. Prohibitions against CHRO staff requesting submissions in writing is unnecessary, insulting, and contrary to other sections of the regulations that clearly state that CHRO staff can request anything we need to facilitate our analysis. It is sufficient to state in the regulations that CHRO will provide the forms and when it is feasible to make those electronic then we will do so.
3. There appears to be a misconception that the reorganization of agencies has resulted in less work for the Affirmative Action Unit. In fact, if the reorganization of agencies has had any impact on the work of this unit, it is to increase the work. Larger agencies take longer to analyze because they are more complex. Combining small agencies into larger agencies has simply moved the work to the larger agencies' plans which will take longer to analyze.

4. As we've noted in previously submitted recommendations, because there was no one from our unit on the committee, there was no one who was familiar with most of the state agencies that file plans. As a result there are some changes we are recommending to ensure the problems facing some agencies are not exacerbated by the proposed revisions as they currently stand.
5. We noticed that terms have been changed in these proposed revisions that have added unnecessary ambiguity. For example, replacing "hiring and promotion" with the term "employment" which has a broader definition, does not make sense.
6. None of the proposed revisions addresses systemic discrimination (for lack of a better term) within agencies. There are long standing practices that create barriers to hiring or promoting individuals in protected classes. Although it is not possible to change many of these, there may be some solutions in the way we examine the hiring and promotion activity. We have tried to suggest some possibilities.
7. Agencies have at least 12 months to ensure their Affirmative Action Plan is in compliance with the regulations. The Comprehensive Evaluation sent to every Appointing Authority and Equal Employment Opportunity Officer clearly identifies deficiencies and weaknesses and advises them to seek technical assistance from the commission. In the past, the quality of the affirmative action plans declined when agencies were allowed to submit plans for a pre-review before the staff made recommendation to the commissioners. The proposed changes to the Plan Review and Analysis section of the regulations shifts the burden of work to the CHRO staff to ensure the plans submitted by state agencies are in compliance. The intent of the regulations was to ensure each state agency takes responsibility for its own affirmative action plan and its equal employment opportunity program.
8. Upward Mobility may still be required in the statutes so it needs to be addressed in the regulations. Conditional Approval of plans is still referenced in the statutes and again should be addressed in the regulations.

EXECUTIVE SUMMARY

THE ENFORCEMENT OF AFFIRMATIVE ACTION BY CHRO

OUTCOMES AND IMPACT

Prior to the adoption of Affirmative Action Regulations for State Agencies in 1984, CHRO met with significant resistance from the Department of Administrative Services and other agencies when advised to advertise job openings for state jobs. The belief was that word-of-mouth referrals were an efficient and cost effective way to hire new employees. A comparison of workforce demographics in 1980 with 2000 indicated that almost 90% of the state workforce was white in 1980 but by 2000 the percentage had declined to less than 76%. In the Managerial and Professional occupational categories, the percentage of Black employees more than doubled (from 9.3% to 18.9%). The percentage of Hispanic employees increased 4 times (from 2.1% to 8.6%) and the percentage of Other employees also increased (from 3.2% to 4.6%). In 2008 the trend continued in the top occupational categories of Managerial and Professional with Black employees at 21.8%, Hispanic employees at 10.7%, and Other employees at 6.2%. A second outcome related to the independent monitoring and enforcement of Human Resources activity by CHRO is the impact of discrimination complaints filed against state agencies. From 2005 to 2010 complaints against state agencies declined by almost 32%. The cost savings here may be significant.

The increase in workforce diversity in state agencies and the higher percentage of people of color in Managerial and Professional occupations may be jeopardized if the CHRO Affirmative Action Regulations are weakened. If diligent reporting and analysis are not maintained as they are now, it is likely that an increase in complaints against state agencies may occur resulting in greater expense to the state.

THE ENFORCEMENT OF AFFIRMATIVE ACTION BY CHRO

OUTCOMES AND IMPACT

Report prepared by
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The purpose of the Affirmative Action Unit at CHRO is to monitor and enforce affirmative action in state agencies. This unit analyzes the human resources activity that occurs in state agencies annually to ensure the agencies are complying with affirmative action regulations and that discriminatory activity is not occurring. The ultimate purpose of this enforcement is to ensure that the citizens of Connecticut are given equal and fair consideration when they apply for jobs with state agencies or, as employees, are given equal opportunity in promotions, training, job performance reviews, and other human resources activity. Unlike the Affirmative Action Officers/Equal Employment Opportunity Specialists and Human Resources professionals, the CHRO Affirmative Action Program Analysts are independent of the agencies and analyze the human resources activity in relation to compliance the regulations. The CHRO staff are not subject to the influence of the Department of Administrative Services or agency managers in reviewing human resource activity.

Prior to adopting Affirmative Action Regulations, agencies did not recruit to fill positions because most hiring was done by word-of-mouth. The general consensus was that hiring people who other state employees knew was an appropriate and efficient way to fill positions. The CHRO Affirmative Action Unit worked to change this practice and encouraged agencies to recruit applicants for positions. The idea of advertising job openings was apposed by DAS and other agencies as inefficient and unnecessary.

In 1984 CHRO adopted the Affirmative Action Regulations for State Agencies and the Affirmative Action Unit began to enforce these regulations. The CHRO staff analyzed human resources activities reported in the Affirmative Action Plans submitted by agencies to CHRO. The regulations gave CHRO the legal right to make agencies post position openings and monitor the hiring process to ensure Connecticut citizens were given equal opportunity to apply for and be offered state jobs. A comparison of the composition of the state workforce before the adoption of regulations in 1980 and the workforce 20 years later shows significant changes.

At first glance, the 1980 workforce appears relatively balanced between genders with 51.7% of the workforce Male and 48.4% Female. If you look at this by occupational category, however, it is apparent that over 75% of the Administrative/Managerial employees are Male (77.2%), almost 90% of Protective Services are Male (89.3%) and 69.2% of Technical positions are filled

by Males. Female employees hold the majority of positions in paraprofessional with 66.9% Female and in Office/Clerical with 88.4% Female.

Table 1
1980 State Workforce by
Occupational Category, Race, and Sex

	Total	Total Male	Total Female	White Male	White Female	Black Male	Black Female	Hisp Male	Hisp Female	Other Male	Other Female
Administrative/ Managerial Percentage	2015	1556 77.2	459 22.8	1456 72.3	408 20.3	68 3.4	33 1.6	6 0.3	4 0.2	26 1.3	14 0.7
Professional Percentage	14262	7763 54.4	6499 45.6	7303 51.2	5955 41.8	238 1.7	374 2.6	118 0.8	102 0.8	104 0.7	68 0.5
Technical Percentage	2390	1654 69.2	6499 45.6	1562 65.4	639 26.7	59 2.5	70 2.9	16 0.7	13 0.5	17 0.7	14 0.6
Protective Service	2585	2307 89.3	278 10.8	2095 81.0	252 9.8	147 5.7	21 0.8	64 2.5	4 0.2	1 0.0	1 0.0
Paraprofessional Percentage	6252	2069 33.1	4183 66.9	1717 27.5	3306 52.9	284 4.5	756 12.1	62 1.0	107 1.7	6 0.1	14 0.2
Office/Clerical Percentage	7996	926 11.6	7070 88.4	833 10.4	6308 78.9	65 0.8	622 7.8	23 0.3	119 1.5	5 0.1	21 0.3
Skilled Craft Workers	2380	2231 93.7	149 6.3	2125 89.3	127 5.3	68 2.9	14 0.6	35 1.5	6 0.3	3 0.1	2 0.1
Service/ Maintenance	5291	3793 71.7	1498 28.3	3309 62.5	1301 24.6	354 6.7	157 3.0	110 2.1	33 0.6	20 0.4	7 0.1
Total Employees Percentage	43171	22299 51.7	20872 48.4	20400 47.3	18296 42.4	1283 3.0	2047 4.7	434 1.0	388 0.9	182 0.4	141 0.3

When we examine the 1980 workforce by race the imbalances are striking. In every occupational category at least 80% of the workforce is White and in the Managerial/Administrative and Professional categories 92.5% and 92.9% of the workforce is White.

The gender balance continued in the 2000 workforce but unlike in 1980, the gap between genders in Managerial/Administrative positions declined considerably from 77.2% Male to 57.1% Male. In Technical positions Females comprise 58.3% of the 2000 workforce compared to 30.8% in 1980. In the Professional category, where Males held slightly more positions (54.4%) in 1980, by 2000 Females had a slight edge with 51.7% of positions.

By 2000, the predominantly White Workforce of 1980 (89.5% of the total) had declined to 76.5%. The percentage of the workforce that was Black increased from 7.7% in 1980 to 14.5% in 2000. The percentage of Hispanic and Other Race Groups increased from 1.9% to 6.7% and 0.5% to 2.3% respectively in

2000. Perhaps even more significant are the changes in Managerial/Administrative positions where Black and Hispanic employees increased from 5.0% to 8.6% and 0.5% to 3.6% respectively but a 1% decline in the Other Races group. In the Professional occupational category, there were increases across the three race groups with Black employees increasing from 4.3% to 10.3%, Hispanic increasing from 1.5% to 5.0%, and Other increasing from 1.2% to 3.6%. This indicates that increases for people of color in the workforce are not just in the entry-level and unskilled jobs but also in the top level state positions (at least those under the review of CHRO Affirmative Action).

Table 2
2000 State Workforce by
Occupational Category, Race, and Sex

	Total	Total Male	Total Female	White Male	White Female	Black Male	Black Female	Hisp Male	Hisp Female	Other Male	Other Female
Administrative/ Managerial Percentage	2452	1399 57.1	1053 42.9	1238 50.5	889 36.3	96 3.9	115 4.7	50 2.0	39 1.6	15 0.6	10 0.4
Professional Percentage	22761	10995 48.3	11766 51.7	9236 40.6	9245 40.6	836 3.7	1490 6.6	468 2.1	664 2.9	455 2.0	367 1.6
Technical Percentage	1823	761 41.7	1062 58.3	612 33.6	843 46.2	89 4.9	162 8.9	41 2.3	44 2.4	19 1.0	13 0.7
Protective Service	6480	5540 85.5	940 14.5	4030 62.2	536 8.3	948 14.6	310 4.8	518 8.0	87 1.3	44 0.7	7 0.1
Paraprofessional Percentage	4525	1539 34.0	2986 66.0	934 20.6	1794 39.7	444 9.8	923 20.4	140 3.1	227 5.0	21 0.5	42 0.9
Office/Clerical Percentage	5999	491 8.2	5508 91.8	312 5.2	3907 65.1	104 1.7	1016 16.9	66 1.1	508 8.5	9 0.2	77 1.3
Skilled Craft Workers	1783	1634 91.6	149 8.4	1426 80.0	117 6.5	115 6.5	24 1.4	72 4.0	7 0.4	21 1.2	2 0.1
Service/ Maintenance	3199	2464 77.0	735 23.0	1843 57.6	500 15.6	341 10.7	136 4.3	249 7.8	79 2.5	31 1.0	20 0.6
Total Employees Percentage	49022	24823 50.6	24199 49.4	19631 40.1	17830 36.4	2973 6.1	4176 8.5	1604 3.3	1655 3.4	615 1.3	538 1.1

When comparing the Connecticut Occupational Statistics for 2000 with the state's 2000 workforce, we find more evidence of the impact of the CHRO Affirmative Action. For example, approximately 4.4% of Managers in CT are Black but in the state workforce this figure is almost double at 8.6%. Similarly, in Professional occupations approximately 5.6% are Black as compared to 10.2% of Professionals in the state workforce. Hispanics Managers and Professionals in the state workforce are also at a higher percentage than in the overall workforce with 3.6% as compared to 3.0% in all sectors for Managers and 5.0% in the state workforce as compared to 3.9% for Professionals.

Despite state cutbacks, layoffs, and a decimated Affirmative Action staff, CHRO continues to monitor and enforce the Affirmative Action regulations to ensure equal opportunity for all CT citizens in state hiring and promotions. One important challenge the Affirmative Action Unit faces is ensuring that seniority rights of union members and SEBAC/Rehiring rights are enforced without undermining affirmative action especially considering that many people of color are often some of the last employees hired and will be the first employees to be laid off based on seniority. A review of Table 3 below indicates that people of color have continued to make small gains in the state workforce through 2008.

In the 2008 state workforce, the percentage of Black employees increased 1% to 15.5%, Hispanics increased 1.4% to 8.1%, and Others increased 0.7% to 3.0%. In the Managerial/Administrative category, the percentage of Black managers increased 1.4% to 10%, Hispanics increased 0.7% to 4.3% and Others increased 0.7% to 1.7%. Similar increases were seen in the Professional category where Black employees increased 1.6% to 11.8%, Hispanics increased 1.4% to 6.4%, and Others increased 0.9% to 4.5%. These gains in employment of people of color in managerial and professional roles indicate that affirmative action is working both in the hiring of employees and in promoting employees to these upper level positions.

Table 3
2008 State Workforce by
Occupational Category, Race, and Sex

	Total	Total Male	Total Female	White Male	White Female	Black Male	Black Female	Hisp Male	Hisp Female	Other Male	Other Female
Administrative/ Managerial Percentage	2393	1224 51.8	1169 48.9	1056 44.1	955 39.9	101 4.2	138 5.8	46 1.9	57 2.4	21 0.9	19 0.8
Professional Percentage	24576	10937 44.5	13639 55.6	8862 36.1	10144 41.3	978 4.0	1925 7.8	559 2.3	1010 4.1	538 2.2	560 2.3
Technical Percentage	1635	665 40.7	970 59.3	501 30.6	732 44.8	102 6.2	174 10.6	42 2.6	47 2.9	20 1.2	17 1.0
Protective Service	6747	5785 85.7	962 14.3	4125 61.1	510 7.6	953 14.1	326 4.8	650 9.6	115 1.7	57 0.8	11 0.2
Paraprofessional Percentage	4002	1325 33.1	2677 66.9	733 18.3	1523 38.1	444 11.1	840 21.0	127 3.2	256 6.4	21 0.5	58 1.4
Office/Clerical Percentage	4996	452 9.0	4544 91.0	277 5.5	3034 60.7	96 1.9	925 18.5	66 1.3	512 10.2	13 0.3	73 1.5
Skilled Craft Workers	1050	944 89.9	106 10.1	816 77.7	62 5.9	72 6.9	30 2.9	50 4.8	10 1.0	6 0.6	4 0.4
Service/ Maintenance	3487	2858 82.0	629 18.0	2111 60.5	435 12.5	382 11.0	79 2.3	324 0.3	102 2.9	41 1.2	13 0.4
Total Employees Percentage	48886	24190 49.5	24696 50.5	18481 47.8	17395 35.6	3128 6.4	4437 9.1	1864 3.8	2109 4.3	717 1.5	755 1.5

The Affirmative Action Officers (or Equal Employment Specialists or Managers) work within the agency participating in or reviewing hiring, promotion, training and other human resources activities to guide them to compliance with affirmative action regulations. The CHRO Affirmative Action Unit reviews the work of these officers and human resources as an external monitor to ensure compliance. The regulations and CHRO provide the enforcement authority to help affirmative action agency staff obtain compliance and cooperation within their agency. Our strength is as an independent entity with the force of a set of regulations with which state agencies must comply. To that end we often meet with upper level management to obtain cooperation for Affirmative Action officers when there is resistance.

The second role that the CHRO Affirmative Action Unit plays is serving as a deterrent to discriminatory activity. The simple fact that there are laws preventing discrimination in hiring, promoting etc. is only part of the deterrent. Affirmative Action Officers continually point out to their agency managers and staff that CHRO analyzes their agency's activity and if there are irregularities the head of the agency will have to explain them in a public meeting.

As a deterrent, Affirmative Action has helped to minimize the number of discrimination complaints filed against state agencies for hiring and promotion activities. Additionally, Affirmative Action Plans have helped agencies demonstrate their compliance when a complaint is filed saving them the cost of fines and other penalties. While it is difficult to put a figure on the amount of money saved in processing complaints and incurring penalties these savings must at least be acknowledged. From fiscal year 2005 to 2010 complaints against state agencies declined 31.7%.

Weakening the Affirmative Action Regulations is a disservice to the citizens of Connecticut, especially those individuals in protected groups who may not be afforded equal opportunity. The impact of being a victim of discrimination is well documented and far reaching. Doesn't it make more sense to ensure that there are mechanisms such as strong affirmative action regulations and analysis of agency activity to minimize the likelihood that such discrimination occurring.